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REMARKS

Claims 1-17 are pending in the application. Applicant amends claims 3 and 7 for clarification. No new matter has been added.

Applicant acknowledges with appreciation the Examiner's finding that claims 11-14 contain allowable subject matter. Applicant respectfully submits that, as demonstrated below, their base claim 1 is patentable over the reference cited against it by the Examiner, and, therefore, requests that the Examiner allow claims 11-14.

Claims 3, 4, 7, and 16 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Applicant amends claim 3 to correct the noted antecedent basis problem for the term "the bandwidth determination managing apparatus," and respectfully requests that the Examiner withdraw the § 112, ¶ 2 rejection of claims 3, 4, and 16.

Applicant also amends claim 7 to clearly recited "the first preset bandwidth value," and respectfully requests that the Examiner withdraw the § 112, ¶ 2 rejection of claim 7.

Claims 1 and 5-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,449,255 to Waclawsky. Applicant respectfully traverses the rejection.

Waclawsky describes a technique for managing data communication packets using a real-time feedback signal. The Examiner relied upon Figs. 1 and 4, and their corresponding description in Waclawsky as alleged disclosure of the claimed invention. The apparatus described in such portions includes an input scheduler 16, reorder manager 18, discard manager 20, memory/output queue 22, output scheduler 24, traffic monitor 26, and traffic analyzers 32. Steps 80 and 82 in Fig. 4 of Waclawsky, which were cited by the Examiner, illustrate a process

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decision on whether traffic results meet a set of particular goals, and correspondingly, whether control parameter adjustments are needed. If so, control parameter adjustments are performed to improve data communications. The scheme described in the cited portions of Waclawsky, therefore, only includes altering "control parameters" based on whether goals are met. As shown in step 74 in Fig. 4 of Waclawsky, these control parameters relate to scheduling packets, reordering queues, and discarding packets. Thus, the cited portions of Waclawsky do not disclose the claimed features of comparing a bandwidth value corresponding to a calculated average traffic amount with a first preset bandwidth value, obtaining a difference between the two, and re-setting the first preset bandwidth value to a second value that minimizes this difference.

And therefore, Waclawsky, as cited and relied upon by the Examiner, fails to disclose,

"[d]ata repeater equipment having a bandwidth control function, comprising:

traffic amount holding means that holds a traffic amount measured at every short-term period; and

bandwidth adjusting means that calculates an average traffic amount at every long-term period based on the traffic amount held in the traffic amount holding means, compares a bandwidth value corresponding to the calculated average traffic amount with a first preset bandwidth value, thereby to obtain a difference between the two, and re-sets the first bandwidth value to a second preset bandwidth value that minimizes this difference," as recited in claim 1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 5-10 dependent therefrom, is patentable over Waclawsky for at least the above-stated reasons.

Claim 17 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,504,744 to Adams et al. Applicant respectfully traverses the rejection.

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Adams et al. describe a broadband switching network with bandwidth and usage control.

The Examiner cited and relied upon portions describing operations of a broadband switch, as shown in Fig. 2 of Adams et al., as alleged disclosure of the claimed invention. In particular, the Examiner relied upon description of an interrogation to each switch on a connection for bandwidth availability as alleged disclosure of the claimed features for accommodating a request for altering a bandwidth setting. Col. 8, line 66 to col. 9, line 18 of Adams et al. The cited portions of Adams et al. only describe querying bandwidth availability and allocating available bandwidth for a requested connection. Such portions, therefore, do not disclose altering bandwidth settings based on whether a request meets all of a plurality of bandwidth setting conditions.

In other words, Adams et al., as cited and relied upon by the Examiner, fail to disclose,

“[a] bandwidth managing apparatus comprising:
reception means that receives, by cooperating with a plurality of data repeater equipment, a request for altering a bandwidth setting from any one of the plurality of data repeater equipment;

decision means that holds a plurality of conditions relating to the bandwidth setting, and decides whether the request satisfies all the conditions or not; and

response means that makes response to the data repeater equipment to permit the request when the request satisfies all the conditions as a result of the decision made, and not permit the request when the request does not satisfy all the conditions,” as recited in claim 17. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 17 is patentable over Adams et al. for at least the above-stated reasons.

Claims 2 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Waclawsky in view of U.S. Patent No. 6,154,643 to Cox; claims 3-4 and 16 stand rejected under

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35 U.S.C. § 103(a) as being unpatentable over Waclawsky in view of Adams et al. Applicant respectfully traverses the rejections.

The Examiner relied upon Cox and Adams et al. as combining references to specifically address the respective additional features recited in dependent claims 2-4 and 15-16. As such, the combinations of these references would still have failed to overcome the above-stated deficiencies of Waclawsky in disclosing the above-cited features of claim 1, even assuming such combinations would have been obvious to one skilled in the art. Accordingly, Applicant respectfully submits that claims 2-4 and 15-16 are patentable over the cited references for at least the above-stated reasons with respect to claim 1, from which they depend.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicant appreciates the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

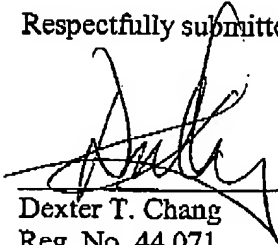
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Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


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